

RELATING TO THE DISTRICT COURT OF GUAM

MAY 28, 1956.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ENGLE, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H. R. 10630]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 10630) relating to the District Court of Guam, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

EXPLANATION OF THE BILL

H. R. 10630, introduced by Congressman O'Brien of New York as the result of an executive communication from the Administrative Office of the United States Courts, has as its purpose amending provisions of the Organic Act of Guam (64 Stat. 389; 48 U. S. C. 1424) relating to the Federal District Court of Guam so as—

(1) to increase the salary of the Guam United States District Court judge from \$13,125 to the salary of other United States district judges, \$22,500 per annum;

(2) to lengthen the Guam District Court judgeship term from 4 to 8 years to conform with the term of the judges of the District Courts of Puerto Rico and the Canal Zone and with the District Court of the Virgin Islands; and

(3) to broaden and clarify the district court's jurisdiction in certain respects, and to make more flexible Guam Federal court appellate procedure.

The amendments to existing law proposed by the reported legislation spring from two sources:

First, as indicated above, the executive communication from the Office of the United States Courts included a proposed bill which was first introduced by Congressman O'Brien of New York as H. R. 9609, and subsequently incorporated into the present bill.

Second, section 25 (b) of the Guam Organic Act of August 1, 1950 (64 Stat. 390; 48 U. S. C. 1421c) provided for establishment of the Commission on the Application of Federal Laws to Guam. H. R. 6254 and H. R. 9216, other measures considered by the House Committee on Interior and Insular Affairs, had as their common purpose implementing section 25 (b) of the organic act by carrying out the recommendations of the Commission appointed thereunder. The provisions of H. R. 6254 and H. R. 9216 (sec. 22 of both bills) dealing with the Guam District Court have also been incorporated in H. R. 10630, the present bill, as sections 1 and 2.

Section 1 of this bill would amend section 22 of the Organic Act of Guam to provide that the District Court of Guam would have the jurisdiction of a district court of the United States in all causes arising under Federal laws regardless of the amount involved. Presently the jurisdiction of the District Court of Guam is limited to Federal civil cases involving more than \$3,000, exclusive of interests and costs. This section also specifies that the District Court of Guam shall have original jurisdiction in all other causes in Guam over which jurisdiction has not been transferred by the Guam Legislature to other court or courts established by it and shall have such appellate jurisdiction as the legislature may determine.

Section 2 would incorporate into section 22 (a) of the organic act an additional paragraph recognizing and making suitable procedural provisions for the appellate division of the district court as it now exists under the local law. Presently, under Guam law (Public Law 17, First Guam Legislature, 1951) the District Court of Guam has broad appellate jurisdiction to review the decisions of the Island Court of Guam, an inferior court established under the prior naval rule and which has municipal, domestic relations, and probate court jurisdiction. Existing Guam law provides for an appellate division of 3 judges, the regular judge of the court and 2 other judges to be assigned by the Chief Justice of the United States. Thus far, the Chief Justice has assigned two district judges from Hawaii as occasion demanded. Section 2 also establishes procedures under which the appellate division of the District Court of Guam shall operate.

Section 3 has three functions. First, it would provide a term of office for the judge of the District Court of Guam of 8 rather than 4 years. Second, it would provide for an increase in the compensation of the judge of the District Court of Guam from the present \$13,125 to \$22,500. An increased term and compensation will attract men of a caliber which the territory needs. Guam has a background of Spanish law and custom and is remote from the continental United States. Many lawyers are hesitant to leave practices on the mainland when they are subject to replacement at the end of 4 years. The judges of all other district courts of the United States' Territories are paid \$22,500 per annum. Third, section 3 provides for the assignment of circuit and district judges to the District Court of Guam by the chief judge of the ninth circuit and the Chief Justice of the United States. It would also authorize the temporary assignment to the Guam court by such officials or judges of the Island Court of Guam and the High Court of the Trust Territory of the Pacific Islands. Inasmuch as these judges are in the general vicinity of Guam, it seems appropriate and logical that they be assigned to the District Court of Guam for temporary duty when needed rather than selecting persons from the Territory of Hawaii.

The executive communication from the Administrative Office of the United States Courts, together with the Office's comments of April 24, 1956, and reports of recent date from the Department of the Interior, the Department of Justice, and from Judge Albert B. Maris, United States circuit judge, United States Court of Appeals for the Third Circuit are as follows:

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS,
Washington, D. C., January 11, 1956.

HON. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: On behalf of the Judicial Conference of the United States I herewith transmit for the consideration of the Congress, a bill relating to the compensation and term of office of the judge of the District Court of Guam. The bill would increase the salary of the office from \$13,125 to the salary of other United States district judges, \$22,500 per annum, and would lengthen the term from 4 to 8 years, to conform with the term of the judges of the District Courts of Puerto Rico and the Canal Zone and of the judge of the District Court of the Virgin Islands. The bill was recommended by the Judicial Conference at its annual meeting held last September.

The salary of the judge of the District Court of Guam is fixed at present by sections 24 (a) and 26 (a) of the Organic Act of Guam (48 U. S. C. 1424b (a) and 1421d (a)). Section 24 (a) provides that the salary of the judge shall be the same as the salary of the Governor of Guam, and section 26 (a) fixes the salary of the Governor at \$13,125 per annum. The salaries of the judges of the Territorial district courts in Alaska, the Canal Zone, and the Virgin Islands are the same as those of United States district judges generally, and accordingly each of them received the increase from the former salary of \$15,000 to \$22,500 granted to district judges by Public Law 9 of the present Congress approved March 2, 1955. The salary of the judge of the District Court of Guam is not only far below that of other district judges, but it is now \$1,875 less than the salary, with the 25 percent overseas differential of the United States attorney in Guam.

Circuit Judge Albert B. Maris, of Pennsylvania, in 1951 visited Guam to act as judicial adviser to the Territorial government and has kept in touch with the island since that time. In a letter to the Chief Justice for communication to the Judicial Conference he expressed his opinion of the need for an increase in the salary of the judge as follows:

"From my knowledge of the judicial problems of Guam gained during 7 weeks spent on the island in 1951 as judicial adviser to the Territorial government and from my later contacts with the problems of Guam, I am convinced that the responsibilities of the judge of the District Court of Guam and the judicial work which he must perform are just as serious and difficult as those faced by the judges of the district courts in Alaska, the Canal Zone and the Virgin Islands. Indeed I think that in some respects they are more difficult. It is, therefore, a gross injustice to the judge in Guam to deny him compensation at the same rate as the other Territorial district judges."

The bill enclosed would put the judge of the District Court of Guam on a parity with the United States district judges generally by pro-

viding that his salary "shall be at the rate prescribed for judges of the United States district courts."

The bill, as stated above, would also increase the term of the judge of the District Court of Guam from 4 to 8 years. This would be in line with similar action taken in reference to the terms of the judges of other Territorial courts in latter years. In 1938 the Congress enlarged the term of office of the judges of the District Courts of Puerto Rico and the Canal Zone from 4 to 8 years and by section 3 (a) of the act of February 10, 1954 (48 U. S. C. 1405y) the Congress took similar action in reference to the term of the office of the judge of the District Court of the Virgin Islands. The latter action was taken pursuant to a recommendation of the Judicial Conference which was reported to the chairman of the Committee on the Judiciary of the House of Representatives. The basic reasons for the change as shown in the report of the House Committee on the Judiciary, House Report No. 1005 of the 83d Congress (pp. 2017, 2018 of vol. 2, United States Code Congressional and Administrative News, 1954) were (1) that it was not fair to ask a lawyer from the continental United States appointed to a judgeship in these outlying areas to give up his practice and lose touch entirely with the people in his own community and his own State when it was probable that he might be displaced at the end of the term of 4 years, and (2) that 4 years is too short a time for efficiency to be developed in the work of a judge in the background of unfamiliar law of foreign origin to be found in these outlying territories.

In support of the increase in the length of the term of the judge of the District Court of Guam, Judge Maris wrote in the letter to the Chief Justice, to which I have referred:

"The background of law in Puerto Rico and the Canal Zone is Spanish and in the Virgin Islands Danish. Guam, which was a Spanish possession for several hundred years, also has a background of Spanish law and it is far more remote from the continental United States than any of the other three Territories. I am satisfied, therefore, that the reasons for extending the term of office of the judges in Puerto Rico, the Canal Zone and the Virgin Islands apply with equal, if not greater, force to the judge appointed to serve in Guam."

Section 2 of the bill enclosed provides that it shall not affect the term of office of the judge of the District Court of Guam in office on the date of its enactment. As a measure of justice to judges of the court who may hereafter be appointed and as an inducement to qualified persons to undertake the office, I trust that the legislation will meet the favor of the Congress and be enacted. It will be conducive to the best administration of the District Court of Guam.

Sincerely yours,

HENRY P. CHANDLER.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS,
Washington, D. C., April 24, 1956.

HON. CLAIR ENGLE,

*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN ENGLE: In answer to your inquiry of April 19, 1956, concerning a pending bill relating to the District Court of Guam (H. R. 10630), I am glad to say that the bill has my approval and I recommend the enactment of it.

The bill contains provisions to increase the salary and lengthen the term of office of the judge of the District Court of Guam which have been recommended by the Judicial Conference of the United States and are contained in the bill submitted by me in behalf of the Judicial Conference, H. R. 9609. It also contains provisions in reference to the jurisdiction of the District Court of Guam which are contained in section 22 of another bill pending before your committee (H. R. 9216). Circuit Judge Albert B. Maris who is familiar with the organization and work of the District Court of Guam and who testified at the hearing last week on the bills, H. R. 9609 and H. R. 9216, prepared amendments after the hearing for the transfer of the provisions of the latter bill in relation to the District Court of Guam to the other bill changing the salary and the term of office of the judge of the court. The new bill, H. R. 10630, incorporates the pending provisions in relation to the District Court of Guam in a single measure as is logical. The changes provided for by the bill will be conducive to the effectiveness of the court and I trust that it may be enacted.

With kind regards, I am,
Sincerely yours,

HENRY P. CHANDLER.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., May 4, 1956.

Hon. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

MY DEAR MR. ENGLE: This will reply further to your request for the views of this Department on H. R. 10630, a bill relating to the District Court of Guam.

I recommend that the bill be enacted.

H. R. 10630 is comprised of language derived from H. R. 9609, a bill relating to the compensation and term of office of the judge of the District Court of Guam, and from section 22 of H. R. 9216, a bill to implement section 25 (b) of the Organic Act of Guam by carrying out the recommendations of the Commission on the Application of Federal Laws to Guam, and for other purposes. The latter is a bill prepared in this Department and submitted to you with our letter of January 19, 1954 on H. R. 6254 of the same title.

Sections 1 and 2 of H. R. 10630 are virtually parallel to subsections (a) and (b) of section 22 of H. R. 9216. They would amend the Organic Act of Guam to clarify the jurisdiction of the District Court of Guam and to make specific provision for a three judge appellate division of the district court.

The first paragraph of section 3 of H. R. 10630 would achieve two results. It would, first, provide a term of office for the judge of the District Court of Guam of 8 rather than 4 years. Section 22 (c) of H. R. 9216 would accomplish the same purpose. We believe that an increased term is desirable in order to attract men to this judicial post of the caliber which the Territory needs. The first paragraph would, second, provide for an increase in the compensation of the judge of the District Court of Guam from \$13,125 to \$22,500. We think it

proper that the judge be paid the latter sum, which is the amount now being paid all other district judges, including those in the Territories. The judge of the Guam court is now paid the same amount as the Governor of the Territory (48 U. S. C., sec. 1424b (a)), and this amount is specified in the Guam Organic Act to be \$13,125 (48 U. S. C., sec. 1421d (a)). There is in our view no justification for paying a salary to the judge of the Guam District Court which is not commensurate with comparable judicial salaries. Not only do district judges generally, including those in Alaska, Hawaii, and Puerto Rico, now receive \$22,500 annually (Public Law 9, 84th Cong., 1st sess., 69 Stat. 9, 10), but under the new Virgin Islands Organic Act, the judge of the District Court of the Virgin Islands does, as well (48 U. S. C., 1952 edition, Supp. 11, sec. 1614). The Virgin Islands and Guam occupy the same legal status, being organized, unincorporated territories, but Guam has a considerably larger population, and its judicial business can therefore be expected to be comparatively greater. In the circumstances, the proposed salary increase for the judge in Guam is in our opinion entirely justified.

The last paragraph of section 3 of H. R. 10630 would, like section 22 (d) of H. R. 9216, provide for the assignment of circuit and district judges to the District Court of Guam by the chief judge of the ninth circuit and the Chief Justice of the United States. It would also authorize the temporary assignment to the Guam court by such officials of judges of the Island Court of Guam and the High Court of the Trust Territory. We think it appropriate and logical that the services of these judges, who are already in the Pacific area, be available when the business of the court requires their temporary service.

We therefore recommend that the bill be enacted. We understand that if favorable action is taken with respect to H. R. 10630, no further action will be necessary on H. R. 9609.

The Bureau of the Budget has advised that there is no objection to the presentation of this report to your Committee.

Sincerely yours,

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

DEPARTMENT OF JUSTICE,
April 13, 1956.

HON. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 6254) to implement section 25 (b) of the Organic Act of Guam by carrying out the recommendations of the Commission on the Application of Federal Laws to Guam, and for other purposes.

The recommendations of the Commission on the Application of Federal Laws to Guam to which the bill refers are included in House Document No. 212 of the 82d Congress, 1st session. In addition to providing for the carrying out of some of the recommendations made by the Commission, by extending the application of certain existing laws specifically to Guam, the bill also would provide for making applicable to Guam certain provisions of the Internal Revenue Code.

It also would provide amendments to the provisions of sections 22 and 24 of the Organic Act of Guam relating to appeals to the District Court of Guam and the assignment of judges to that court.

The Department of Justice has no objection to legislation to effect the purposes of this bill, but there are certain features of it to which the committee may wish to give further consideration.

References in the bill are to provisions of the Internal Revenue Code of 1939. Since the Internal Revenue Code of 1954 has superseded that of 1939 it would appear necessary to amend the bill to reflect the appropriate sections of the Internal Revenue Code of 1954.

Existing law provides for the assignment of judges to the District Court of Guam by the Chief Justice of the United States. Under subsection (b) of section 30 of the bill the chief judge of the ninth judicial circuit of the United States may assign a circuit or district judge of the ninth circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, or the Chief Justice of the United States may assign any judge of the Island Court of Guam to serve temporarily as a judge in the District Court of Guam whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court. Since under this proposed amendment the chief judge of the ninth judicial circuit would be authorized to assign judges to the District Court of Guam, it is not clear why indication of this function is not also included in the amendment proposed under subsection (a) of section 30 of the bill. This could be done by inserting the language "or the chief judge of the ninth judicial circuit of the United States" following the word "States" on line 17 at page 15 of the bill.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT,
Philadelphia, Pa., April 30, 1956.

HON. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN ENGLE: May I write you in support of H. R. 10630, the bill relating to the District Court of Guam. Having spent 7 weeks on Guam in 1951 as a judicial adviser to the territorial government in the study and revision of the local laws relating to the judiciary, I acquired a firsthand knowledge of judicial problems and procedure of the island. The knowledge thus gained I have endeavored to keep up to date by contacts and correspondence and I am happy to submit the following comments on the bill in the light of that knowledge and experience.

Section 22 (a) of the Organic Act of Guam (48 U. S. C. § 1424 (a)), now provides that the district court shall have, *inter alia*, the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties, and laws of the United States.

This language inadvertently limits the jurisdiction of the court over most Federal civil cases to those involving more than \$3,000. This is because section 1331 of title 28, United States Code, provides that the district courts of the United States shall have original jurisdiction of cases arising under the Constitution, laws or treaties of the United States "wherein the matter in controversy exceeds the sum or value of \$3,000, exclusive of interest or costs." It is true, of course, that in some types of cases, such as maritime, bankruptcy, patent and Government cases the jurisdictional amount is not required. I am sure, however, that Congress intended to give the District Court of Guam jurisdiction in all cases arising under Federal law regardless of the amount involved. Section 1 of the bill would amend section 22 (a) of the organic act so as to carry out this intention by adding to the language granting jurisdiction in Federal cases the phrase "regardless of the sum or value of the matter in controversy." A similar amendment was included in the recently Revised Organic Act of the Virgin Islands (48 U. S. C., sec. 1612).

Section 22 (a) of the Organic Act of Guam provides that the district court shall have such appellate jurisdiction as the legislature may determine. The local judiciary act, Public Law 17, First Guam Legislature, 1951, which was passed when I was out there, conferred upon the district court broad appellate jurisdiction to review the decisions of the Island Court of Guam, an inferior court established under the prior naval rule which was continued by that act with municipal, domestic relations, and probate court jurisdiction. In line with the Guamanian request for a procedure in which appeals would be considered by a court of 3 judges, which as they pointed out is the traditional American method, the local act provided for an appellate division of 3 judges, the regular judge of the court and 2 other judges to be assigned to the court by the Chief Justice of the United States under section 24 (a) of the Organic Act. This appellate division has functioned satisfactorily through the assignment to it by the Chief Justice of the two district judges from Hawaii. See *Eiban v. Government of Guam* (115 F. Supp. 519).

Section 2 of the bill would incorporate into section 22 (a) of the organic act an additional paragraph recognizing and making suitable procedural provisions for the appellate division of the district court as it now exists under the local law. This will eliminate any doubt as to the status of the appellate division and will make it available to be designated hereafter as the appellate court for the Trust Territory of the Pacific Islands, a course which would seem logical and in the public interest, since Guam is centrally located in the trust territory area. Congress undoubtedly intended the District Court of Guam to be a judicial bastion of American law and justice in the western Pacific area. The appellate division of the court admirably serves that purpose by providing in that area an appellate tribunal of the accepted American type conveniently accessible to litigants. With the amendment to section 24 (a) discussed below it will be possible to convene the appellate division conveniently by the assignment to it of the judge of the Island Court of Guam who is not involved in the appeal under consideration and a judge of the High Court of the Trust Territory when he is passing through Guam, as the judges of that court must do very frequently.

Section 3 of the bill would amend section 24 (a) of the Organic Act of Guam in three respects. The first is to lengthen the term of office

of the judge of the district court from 4 to 8 years. This is in line with similar action taken in regard to terms of office of judges of other similar territorial courts in recent years. In 1938 Congress lengthened the term of the judges of the district courts in Puerto Rico and the Canal Zone from 4 to 8 years and in 1954 Congress did the same with respect to the term of the judge of the District Court of the Virgin Islands. The basic reasons for these changes appear from the congressional debates and committee reports to be (1) that it is not fair to ask a lawyer from the continental United States appointed to a judgeship in one of these outlying areas to give up his practice and lose touch entirely with the people in his own community and his own State when it is probable that he will be displaced at the end of 4 years, and (2) that 4 years is too short a time for efficiency to be developed in the work of a judge in the background of unfamiliar law of foreign origin to be found in these outlying Territories. The background of law in Puerto Rico and the Canal Zone is Spanish and in the Virgin Islands Danish. Guam, which was governed by Spain for several hundred years, also has a background of Spanish law and it is far more remote from the continental United States than any of the other three Territories. I believe, therefore, that the reasons for extending the term of the judges in Puerto Rico, the Canal Zone, and the Virgin Islands apply with equal, if not greater, force to the judge appointed to serve in Guam.

The second amendment proposed by section 2 of the bill to section 24 (a) of the organic act is to provide that the salary of the judge of the District Court of Guam "shall be at the rate prescribed for judges of the United States district courts." This is the present law with respect to the judges in the Canal Zone and the Virgin Islands, while in Alaska the organic act fixes the salary of the judges at a figure which is the same as that of United States district judges. In Guam, however, the present provision of section 24 (a) of the organic act is that the salary of the judge shall be the same as that of the Governor of Guam whose salary is fixed by section 26 (a) of the act at \$13,125. In view of this provision the judge in Guam did not receive the recent increase to \$22,500 which all United States district judges and the judges of all the other Territorial district courts received. Thus the salary of the judge in Guam is not only far below that of the other Territorial district judges but it is now actually \$1,875 less than the salary, with the 25 percent overseas differential, of the United States Attorney in Guam. From my knowledge of the judicial problems of Guam I am convinced that the responsibilities of the judge of the District Court of Guam and the judicial work he must perform are just as serious and difficult as those faced by the judges of the District Courts in Alaska, the Canal Zone and the Virgin Islands. Indeed in some respects they are, I believe, more difficult. It is, therefore, a gross injustice to the judge in Guam to deny to him alone the compensation accorded to the judges of all the other Territorial district courts.

The other amendment proposed by section 3 of the bill to section 24 (a) of the Organic Act of Guam would broaden and improve the provisions of that section for the temporary assignment of judges to the District Court of Guam. One change, along the lines of the similar provision incorporated into the recently Revised Organic Act of the Virgin Islands (48 U. S. C., sec. 1614, would authorize the chief judge

of the ninth judicial circuit, which includes Guam, to assign circuit and district judges of that circuit to sit temporarily in the District Court of Guam. This would relieve the Chief Justice of the United States of the necessity of making such assignments except as to judges from other circuits and thus would fit into the pattern of judicial assignment procedure laid down in title 28, United States Code, sections 291 and 292. In addition, the amendment would authorize the chief judge of the ninth circuit to assign a judge of the Island Court of Guam or a judge of the High Court of the Trust Territory of the Pacific Islands to sit temporarily in the District Court of Guam. This would effect a great improvement because the judges of the island court are resident in Guam and the judges of the Trust Territory of the Pacific Islands are frequently in Guam while traveling between the districts of the trust territory. These judges are, therefore, readily available for such assignment without incurring travel expense. Moreover they are likely to be much more familiar with the local law of Guam than judges from the continental United States or even from Hawaii.

For the reasons which I have outlined I believe that the provisions of H. R. 10630 are very much in the public interest and I hope that they will be enacted promptly.

Sincerely yours,

ALBERT B. MARIS.

As indicated above, the committee has incorporated in the reported bill as sections 1 and 2 thereof, language having the same purpose as section 22 of H. R. 6254 and H. R. 9216 as introduced. The Department of the Interior in its analysis accompanying its report of January 19, 1956, on H. R. 6254 made these comments with respect to section 22:

Under the Organic Act, the District Court of Guam now has, "in all causes arising under the laws of the United States, the jurisdiction of a district court of the United States as such court is defined in section 451 of title 28." The proposed amendment, in subsection (a), would give the district court "the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties and laws of the United States, regardless of the sum or value of the matter in controversy." This is parallel to the language used in describing the jurisdiction of the District Court of the Virgin Islands in the Revised Virgin Islands Organic Act. It removes any question concerning jurisdiction of causes arising under Federal law when the amount in controversy is less than the prescribed minimum for Federal courts generally. Subsection (b) would add new language to the organic act providing that appeals to the District Court of Guam shall be heard by an appellate division of the court consisting of three judges. Subsection (c) would modify the term of the judge of the district court by extending it from 4 to 8 years, but the term of the incumbent would not be affected. Subsection (d) would modify the existing provision authorizing the Chief Justice to assign judges to the District Court of Guam when the court's business requires it, to authorize the chief judge of the ninth judicial circuit to do so, as well."

The Committee on Interior and Insular Affairs recommends the enactment of H. R. 10630.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 1, 1950 (64 STAT. 384, 389; 48 U. S. C. 1424)

SEC. 22. (a) There is hereby created a court of record to be designated the "District Court of Guam", and the judicial authority of Guam shall be vested in the District Court of Guam and in such court or courts as may have been or may hereafter be established by the laws of Guam. The District Court of Guam shall have[, in all causes arising under the laws of the United States,] the jurisdiction of a district court of the United States [as such court is defined in section 451 of title 28, United States Code, and] *in all causes arising under the Constitution, treaties, and laws of the United States, regardless of the sum or value of the matter in controversy*, shall have original jurisdiction in all other causes in Guam, jurisdiction over which has not been transferred by the legislature to other court or courts established by it, and shall have such appellate jurisdiction as the legislature may determine. The jurisdiction of and the procedure in the courts of Guam other than the District Court of Guam shall be prescribed by the laws of Guam.

Appeals to the District Court of Guam shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The judge appointed for the court by the President shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges assigned to the court from time to time pursuant to section 24 (a) of this Act. The concurrence of two judges shall be necessary to any decision by the District Court of Guam on the merits of an appeal but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

ACT OF AUGUST 1, 1950 (64 Stat. 384, 390; 48 U. S. C. 1424b)

SEC. 24 (a) The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of Guam who shall hold office for the term of [four] *eight* years and until his successor is chosen and qualified unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be [the same as the salary of the Governor of Guam as provided by section 26 (a) of this Act, and shall be entitled

to the benefits of retirement provided in section 373 of title 28, United States Code.] *at the rate prescribed for judges of the United States district courts.*

The Chief Judge of the Ninth Judicial Circuit of the United States may assign a judge of the Island Court of Guam or a judge of the High Court of the Trust Territory of the Pacific Islands or a circuit or district judge of the ninth circuit, or the Chief Justice of the United States may [with the consent of the judge so assigned,] assign any other United States circuit or district judge [to serve] with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge in the District Court of Guam whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court.

